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C O N F I D E N T I A L SECTION 01 OF 03 MEXICO 001302

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E.O. 12958: DECL: 04/27/2028
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SUBJECT: MEXICO WRESTLING WITH CUBAN MIGRATION

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Classified By: Political Minister Counselor Charles V. Barclay.
Reason 1.4 (b), (d).

1. (SBU) Summary. In FY 2007, 11,625 Cubans reached the U.S. southwest border via Mexico. While some entered Mexico legally, the majority entered illegally by way of the Yucatan Channel -- a much less patrolled route than the Straits of Florida to the north. Until recently, Mexico had enforced its own version of a "wet foot, dry foot" policy under which Cubans arriving by land were fined and then ordered to leave the country, while those arriving by sea were detained for up to 90 days during which time GOM sought repatriation. According to INM officials, however, the GOM recently changed its policy and is now detaining all Cubans for 15 days and seeking repatriation in practically all cases -- except in those extremely rare instances when Cubans seek and are granted asylum. Repatriation of all Cubans remains highly unlikely, as Cuba and Mexico lack a formal migration agreement, and Havana regularly refuses to take back the great majority of Cubans in Mexico. Most will continue to be released into the general population -- and they will continue to make their way north. Mexico's Foreign Minister discussed migration issues with Cuban officials during the course of her March visit to Havana. SRE contacts advise that working level representatives will take up the issue the week of April 28 during a visit by Cuban officials here. End Summary.

CUBANS INCREASINGLY ENTERING THE U.S. VIA MEXICO

2. (SBU) According to statistics from the Department of Homeland Security (DHS), 11,625 Cubans were admitted to the United States in FY 2007 at crossings on the US-Mexico border, 32% more than in FY 2006. Of the 20,697 Cubans documented attempting to reach the U.S. in FY 2007, 56% successfully entered the U.S. via Mexico. The number of Cuban arrivals via Mexico in FY 2007 was greater than the total number of Cubans intercepted at all points of entry nationwide in FY 2006. Preliminary numbers for FY 2008 indicate a continuation of the upward trend.

3. (SBU) Mexico issues tens of thousands of visas to Cubans for travel to Mexico each year, and while the majority of Cubans reaching the U.S. via Mexico enter Mexico illegally, some of the Cubans who enter legally also continue on to the U.S. after reaching Mexico. In a DHS study of 3,645 visas

issued to Cubans in FY 2007 for travel to Mexico, 593 -- or 16.3% -- of the names on these visas matched the names of Cubans who presented themselves at the southwest border requesting asylum. This is not necessarily a representative sample of the total visas issued to Cubans. Nevertheless, while the number of Cubans who obtain visas and then proceed to the U.S. is relatively low, it is still significant.

THE TRIP MAY BE LONGER, BUT THE ROUTE IS EASIER

14. (SBU) Cuban migrants' increasing use of Mexico as a transit country to reach the United States can be attributed to a number of factors. Though the trip to the U.S. via Mexico is longer in total distance than crossing the Straits of Florida, the strong U.S. Coast Guard presence in the latter makes that route highly undesirable in comparison to the relative ease with which Cubans can cross the Yucatan Channel and traverse Mexico to reach the U.S. The proximity of the Yucatan Peninsula to Cuba's west coast (roughly the same distance as lies between Cuba and Florida) and the limited number of Mexican Navy patrols in the Channel make the route a viable option for Cubans leaving the island on motorized boats. Once in Mexico, Cuban migrants are able to travel overland to the U.S. southern border where they are permitted entry under the 'dry foot' provision of the U.S. policy regarding Cuban immigrants.

15. (SBU) The trip through Mexico provides its own challenges. Estimates of the cost per migrant for the entire journey range from \$8,000-\$15,000. Unconfirmed reports indicate that the majority of Cubans do not travel to Mexico with the money needed to cover the trip but receive the necessary funds via wire services once they arrive in Mexico. Migrant smuggling networks that move Cubans are

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well-established in Mexico, in large part due to a relatively lax law enforcement atmosphere in Mexico. There have been incidents of violence within the smuggling networks resulting in the deaths of Cuban-Americans suspected of involvement in smuggling Cubans. Some anecdotal reports suggest the violence is the result of overlap between drug smuggling and human smuggling routes and that the violence may be occurring because those involved in smuggling Cubans are not paying the required "fees" to use the routes controlled by drug smugglers. The violence has prompted Mexican authorities to devote increased attention to the issue of Cuban smuggling with the GOM suggesting in some instances that the U.S. is not doing its part to stem the migration. GOM officials, including Attorney General Medina Mora, have blamed U.S. legal permanent residents or U.S. citizens from Cuban-American communities for financing and facilitating the movement of Cubans through Mexico.

CHANGES TO MEXICO'S POLICY FOR DEALING WITH CUBAN MIGRANTS

16. (SBU) Mexico and Cuba have not had a formal migration agreement since 2003. Under an informal 2005 agreement that created Mexico's version of a "wet foot, dry foot" policy, Mexico detained those Cubans arriving by sea in National Migration Institute (INM) facilities while it pursued repatriation. If Cuba wouldn't take them back, INM would fine them and issue them a notice called an "oficio de salida", requiring them to leave the country in 90 days. Those arriving by land would not be placed under detention. Instead they would be merely fined and given an "oficio de salida" to leave Mexico. Under this agreement, Mexico would inform Havana of the illegal migrants it had apprehended at sea, leaving the Cuban Government with the decision of whether to take back its citizens. In 2006, Cuba agreed to the repatriation of some 722.

17. (SBU) INM officials in Mexico City recently told poloff, however, that under a policy change that went into effect in January, all Cubans that come into custody as illegals from now on are to be held for 15 days, regardless of whether detained on sea or land, giving INM an opportunity to seek repatriation in all cases. According to the Foreign Ministry's (SRE) Deputy Director for South America, Victor Arriaga, if Cuba approves repatriation within the prescribed 15 day detention period, INM will hold the individuals until they are repatriated (generally until Mexico has detained and won GOC repatriation approval for enough to fill a GOM plan to Cuba.) All Cubans held by the INM must pay a 5000-10000 peso fine. If the GOM does not hear from Cuba within 15 days or if Cuba refuses repatriation, the GOM releases detainees with the oficio de salida. Of course, notwithstanding Mexico's stated desire to repatriate all Cubans, Cuba has not announced a change in its repatriation policy. As a result we can continue to expect that the majority of migrants, regardless of how they arrived in Mexico, will still eventually be released and likely continue their journey north.

SEEKING GREATER GOC COOPERATION ON MIGRATION

18. (C) The Calderon administration would like to "normalize" relations with Cuba that came under significant strain during the Fox administration. Mexican Foreign Secretary Patricia Espinosa visited Havana March 13. Mexico

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expects Cuban Foreign Minister Felipe Perez Roque to pay a reciprocal visit in September, potentially paving the way for a visit by President Calderon to the island. As a follow up to discussions in March, SRE's Arriaga advised poloff that immigration officials from Cuba and Mexico will meet at a technical level the week of April 28 in Mexico City to discuss improving cooperation on repatriation amongst other immigration issues. PAN Senator Adriana Gonzalez was skeptical about prospects for progress, however, signaling the importance the Calderon administration places on improved relations with Cuba. SRE's Undersecretary (U/S) for Latin American Affairs Geronimo Gutierrez sought to lower expectations for a breakthrough when he told U.S. Department of State Deputy Assistant Secretary (DAS) for Western Hemisphere Affairs Roberta Jacobson in March that if a migration agreement were reached, it would likely come in the

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form of a verbal understanding rather than a formal written agreement. U/S Gutierrez agreed to DAS Jacobson's request that the GOM improve information-sharing with the USG on illegal Cuban migrants entering Mexico.

COMMENT

19. (C) While the numbers of Cubans entering the United States via Mexico is increasing, and as such is worrying, it does not yet constitute a mass migration. Changes in Mexico's policy on Cuban migrants allowing for their potential release after 15 days if not repatriated could encourage more Cubans to use Mexico as the preferred route for seeking entry to the U.S. The key remains Cuba, and to date Havana has not evinced a willingness to allow for the repatriation of Cubans above traditionally low numbers. Mexico posits its newly embraced policy on Cuban repatriation as an effort to stem the flow of Cubans through Mexico in large measure to appease U.S. concerns about Cuban migration and make the case it is being responsive. Mexico is serious about reaching an agreement that produces a legal framework for dealing with a potential mass migration of Cubans. In the meantime, however, as Mexico regards Cuban migration to the U.S. through Mexico as more a U.S. problem, it is

unlikely it will sacrifice its desire for improved relations with Cuba by pressing Havana to repatriate significantly greater numbers of migrants.
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